

47.1 State commissioner of elections.

1. The secretary of state is designated as the state commissioner of elections and shall supervise the activities of the county commissioners of elections. There is established within the office of the secretary of state a division of elections which shall be under the direction of the state commissioner of elections. The state commissioner of elections may appoint a person to be in charge of the division of elections who shall perform the duties assigned by the state commissioner of elections. The state commissioner of elections shall prescribe uniform election practices and procedures, shall prescribe the necessary forms required for the conduct of elections, shall assign a number to each proposed constitutional amendment and statewide public measure for identification purposes, and shall adopt rules, pursuant to [chapter 17A](#), to carry out [this section](#). The state commissioner of elections may issue guidance that is not subject to the rulemaking process to clarify election laws and rules.

2. a. The state commissioner of elections may exercise emergency powers over any election being held in a district in which either a natural or other disaster or extremely inclement weather has occurred. The state commissioner's decision to alter any conduct for an election using emergency powers must be approved by the legislative council. If the legislative council does not approve the secretary of state's use of emergency powers to conduct an election, the legislative council may choose to present and approve its own election procedures or choose to take no further action. The state commissioner of elections may also exercise emergency powers during an armed conflict involving United States armed forces, or mobilization of those forces, or if an election contest court finds that there were errors in the conduct of an election making it impossible to determine the result.

b. If an emergency exists in all precincts of a county, the number of polling places shall not be reduced by more than thirty-five percent. The polling places allowed to open shall be equitably distributed in the county based on the ratio of regular polling places located in unincorporated areas in the county to regular polling places in incorporated areas in the county.

3. The secretary of state is designated the chief state election official and is responsible for coordination of state responsibilities under the federal National Voter Registration Act of 1993.

4. The state commissioner shall adopt rules describing the emergency powers and the situations in which the powers will be exercised.

5. The state commissioner shall adopt rules pursuant to [chapter 17A](#), for the implementation of uniform and nondiscriminatory administrative complaint procedures for resolution of grievances relating to violations of Tit. III of Pub. L. No. 107-252. In complaint proceedings in which all of the respondents are local election officials, the presiding officer shall be the state commissioner of elections. In complaint proceedings in which one of the respondents is the state commissioner of elections, the presiding officer shall be a panel consisting of all members of the state voter registration commission appointed pursuant to [section 47.8](#), except the state commissioner of elections or the state commissioner's designee.

6. The state commissioner may, at the state commissioner's discretion, examine the records of a commissioner to evaluate complaints and to ensure compliance with the provisions of [chapters 39 through 53](#). This examination shall include assessments conducted or authorized by private or government entities to evaluate a county's security readiness for elections-related technology or physical facilities. The state commissioner shall adopt rules pursuant to [chapter 17A](#) to require a commissioner to provide written explanations related to examinations conducted pursuant to [this subsection](#). Any information that is requested by or in the possession of the state commissioner pursuant to [this chapter](#) shall not lose its confidential status pursuant to [section 22.7, subsection 50](#).

7. The state commissioner may share information a county provides to an appropriate government agency to safeguard against cybersecurity or physical threats.

8. The state commissioner may adopt rules pursuant to [chapter 17A](#) to create minimum security protocols applicable to county commissioners of elections. If a county fails to adhere

to these protocols, the state commissioner may limit access to the statewide voter registration system.

[C71, §49A.6; C73, 75, 77, 79, 81, §47.1; 81 Acts, ch 34, §8]

91 Acts, ch 129, §10; 93 Acts, ch 143, §9; 94 Acts, ch 1169, §45; 2004 Acts, ch 1083, §3, 37; 2010 Acts, ch 1061, §180; 2017 Acts, ch 110, §40; 2019 Acts, ch 148, §19, 20, 33; 2020 Acts, ch 1098, §3; 2021 Acts, ch 12, §18, 73

Referred to in §39.3, 39A.2, 42.1, 47.2, 47.8

Subsection 1 amended